

JS 44 (N.D. Ohio)

## Civil Cover Sheet

The JS-44 Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Please refer to the instructions on page 2.

ORIGINAL

## 1. (a) PLAINTIFFS

**D.A.B.E., Inc., et al.**

D/B/A Arnie's Saloon, et al.

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Lucas  
(EXCEPT IN U.S. PLAINTIFF CASES)

## DEFENDANTS

Toledo-Lucas County Board of Health, et al.

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Lucas  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND

## (c) ATTORNEY'S NAME (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

**Louis E. Tosi, 1000 Jackson, Toledo, OH  
(419) 241-9000**

## ATTORNEYS (IF KNOWN)

**Andrew K. Ranazzi, Lance M. Keiffer, John A.  
Borell, Damian M.P. Rodgers**

## II. BASIS OF JURISDICTION (PLACE A check IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Gov't Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)



## III. CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(PLACE A CHECK IN ONE BOX FOR PLAINTIFF AND IN ONE BOX FOR DEFENDANT)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of this State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. ORIGIN

(PLACE A CHECK IN ONE BOX ONLY)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

## V. NATURE OF SUIT

Please click on the appropriate nature of suit

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<b>610 Agriculture</b>	<b>422 Appeal 28 USC § 158</b>	<b>400 State Reapportionment</b>
120 Marine	310 Airplane	362 Personal Injury-Med. Malpractice	620 Other Food & Drug	<b>423 Withdrawal 28 USC § 157</b>	<b>410 Antitrust</b>
130 Miller Act	315 Airplane Product Liability	365 Personal Injury-Product Liability	625 Drug Related Seizure of Property 21 USC § 881	<b>PROPERTY RIGHTS</b>	<b>430 Banks &amp; Banking</b>
140 Negotiable Instrument	320 Assault, Libel, Slander	368 Asbestos Personal Injury Product Liability	<b>630 Liquor Laws</b>	820 Copyrights	<b>450 Commerce/ICC Rates, etc.</b>
150 Overpayment Recovery & Enforcement of Judgment	330 Federal Employer's Liability	<b>PERSONAL PROPERTY</b>	640 Railroad & Truck	830 Patent	<b>460 Deportation</b>
151 Medicare Act	340 Marine	370 Other Fraud	650 Airline Regulations	840 Trademark	<b>470 Racketeer Influenced and Corrupt Organizations (Civil RICO)</b>
152 Recovery of Defaulted Student Loans (Excluding Veterans)	345 Marine Product Liability	371 Truth in Lending	660 Occupational Safety/Health	<b>SOCIAL SECURITY</b>	<b>810 Selective Service</b>
153 Recovery of Overpayment of Vet's Benefits	350 Motor Vehicle	380 Other Personal Property Damage	690 Other	861 HIA (1395ff)	<b>850 Securities/Commodities/Exchange</b>
160 Stockholders' Suits	355 Motor Vehicle Product Liability	385 Property Damage Product Liability	<b>LABOR</b>	862 Black Lung (923)	<b>875 Customer Challenge 12 USC § 3410</b>
190 Other Contract	360 Other Pers. Injury	<b>PRISONER PETITIONS</b>	710 Fair Labor Standards Act	863 DIWC/DIWW (405(g))	<b>881 Agricultural Acts</b>
195 Contract Prod. Liability	<b>CIVIL RIGHTS</b>	510 Motions to Vacate Sentence	720 Labor/Management Relations	864 SSID Title XVI	<b>882 Economic Stabilization Act</b>
<b>REAL PROPERTY</b>	441 Voting	<b>HABEAS CORPUS:</b>	730 Labor/Management Reporting and Disclosure Act	865 RSI (405(g))	<b>893 Environmental Matters</b>
210 Land Condemnation	442 Employment	530 General	740 Railway Labor Act	<b>FEDERAL TAX SUITS</b>	<b>894 Energy Allocation Act</b>
220 Foreclosure	443 Housing/Accommodations	540 Mandamus & Other	790 Other Labor Litigation	870 Taxes (U.S. Plaintiff or Def.)	<b>895 Freedom of Information Act</b>
230 Rent Lease & Ejectmt	444 Welfare	550 Civil Rights	791 Employees Retirement Income Security Act (ERISA)	871 IRS-Third Party 26 USC § 7609	<b>900 Appeal of Fee Determination Under Equal Access to Justice Act</b>
240 Torts to Land	440 Other Civil Rights	555 Prison Conditions			<b>950 Constitutionality of State Statute</b>
245 Tort Product Liability					<b>990 Other Statutory Actions</b>
290 All Other Real Prop.					

VI. CAUSE OF ACTION (Cite the U.S. civil statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statute unless this is a diversity action) **U.S. Constitution, Takings Clause**

## VII. REQUESTED IN COMPLAINT:

☐ Check if this is a Fed. R. Civ. P. 23 Class Action

DEMAND: \$

CHECK YES ONLY IF DEMANDED IN COMPLAINT:

JURY DEMAND: ☐ YES ☒ NO

## VIII. RELATED CASE(S)

IF ANY (SEE INSTRUCTIONS)

JUDGE

DOCKET NUMBER

Signature of Attorney of Record

Date

FOR CLERK'S OFFICE USE ONLY

RECEIPT NO. \_\_\_\_\_

AMOUNT \$ \_\_\_\_\_

JUDGE \_\_\_\_\_

MAGISTRATE JUDGE \_\_\_\_\_

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

I. Civil Categories: (Place an X in one category only).

1. ☒ General Civil
2. ☐ Administrative Review/Social Security
3. ☐ Habeas Corpus Death Penalty

\*If under Title 28, §2255, name the SENTENCING JUDGE: \_\_\_\_\_

CASE NUMBER: \_\_\_\_\_

II. RELATED OR REFILED CASES. See Local Rules 1:2.4(3) and 6:2.5(d) which provides in pertinent part: "If an action is filed or removed to this Court and assigned to a District Judge after which it is discontinued, dismissed or remanded to a State court, and subsequently refiled, it shall be assigned to the same Judge who received the initial case assignment without regard for the place of holding court in which the case was refiled. Counsel or a party without counsel shall be responsible for bringing such cases to the attention of the Court by responding to the questions included on the Civil Cover Sheet."

This action is ☐ RELATED to another PENDING civil case. This action is ☐ REFILED pursuant to Rule 1:2.4(3).

If applicable, please indicate on the CIVIL COVER SHEET (form JS-44) in section VIII, the name of the Judge and case number.

III. In accordance with Local Civil Rule 2:1.2, actions involving counties in the Eastern Division shall be filed at any of the divisional offices therein. Actions involving counties in the Western Division shall be filed at the Toledo office. For the purpose of determining the proper division, and for statistical reasons, the following information is requested.

ANSWER ONE PARAGRAPH ONLY. ANSWER PARAGRAPHS 1 THRU 3 IN ORDER. UPON FINDING WHICH PARAGRAPH APPLIES TO YOUR CASE, ANSWER IT AND STOP.

(1) Resident defendant. If the defendant resides in a county within this district, please set forth the name of such county LUCAS COUNTY.  
For the purpose of answering the above, a corporation is deemed to be a resident of that county in which it has its principal place of business in that district.

(2) Non-Resident defendant. If no defendant is a resident of a county in this district, please set forth the county wherein the cause of action arose or the event complained of occurred. \_\_\_\_\_ COUNTY.

(3) Other Cases. If no defendant is a resident of this district, or if the defendant is a corporation not having a principal place of business within the district, and the cause of action arose or the event complained of occurred outside this district, please set forth the county of the plaintiff's residence. \_\_\_\_\_ COUNTY.

IV. The Counties in the Northern District of Ohio are divided into divisions as shown below. After the county is determined in Section III, please check the appropriate division.

EASTERN DIVISION

- |                                     |   |
|-------------------------------------|---|
| <input type="checkbox"/> AKRON      | (Counties: Carroll, Holmes, Portage, Stark, Summit, Tuscarawas and Wayne)                     |
| <input type="checkbox"/> CLEVELAND  | (Counties: Ashland, Ashtabula, Crawford, Cuyahoga, Geauga, Lake, Lorain, Medina and Richland) |
| <input type="checkbox"/> YOUNGSTOWN | (Counties: Columbiana, Mahoning and Trumbull)   |

WESTERN DIVISION

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> TOLEDO | (Counties: Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Marion, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca, VanWert, Williams, Wood and Wyandot) |
|--|--|